IN THE HIGH COURT OF JUDICATURE, ANDHRA PRADESH
AT HYDERABAD

(Special Original Jurisdiction)

FRIDAY, THE EIGHTH DAY OF APRIL
TWO THOUSAND AND FIVE

PRESENT

THE HON'BLE MR JUSTICE G. BIKSHAPATHY

and
THE HON'BLE MR JUSTICE P.S.NARAYANA

WRIT PETITION NO : 24526 of 2000

Between:

1 Superintending Engineer (R&B) Rural Circle
Balkampet, Hyderabad.
2 Executive Engineer, R&B Division
Mahaboobnagar.

..... PETITIONERS

AND

1 The Labour Court-III,
Chandravihar, A.P. Hyderabad.
2 S.Gopanna S/o.Kistaiah
R/o.H.No.2-5-55/2, Near Ashok Talkies,
Behind Indian Oil Bunk, Mahaboobnagar.

.....RESPONDENTS

Petition under Article 226 of the Constitution of India praying that in the circumstances stated in the Affidavit filed herein the High Court may be pleased to issue a Writ or order or direction more particularly one in the nature of Writ of Certiorari calling for the records in I.D.No.247/1997, dt.15-9-2000 on the file of Labour Court-III, Hyderabad has published in G.O.Rt.No.2033, dt.20-10-2000 and quash the same as being illegal, arbitrary and unjustified and it is oppose to the cannons of law and to pass such other order or orders may deem fit and proper in the Circumstances of the case.

Counsel for the Petitioners: GP FOR ROADS & BUILDINGS

Counsel for the Respondents: MR.M.VIJAYA KUMAR GOUD

The Court made the following:

ORAL ORDER:- (PER GB,J.)

The Writ Petition is filed by the Government assailing the award, dated 15.09.2000, passed by the Labour Court in I.D.No.247 of 1997.

2. The respondent No.2 was appointed as Work Inspector/NMR in the year 1986. However, his services were terminated on 28.12.1996 without following the provisions of Section 25-F of the I.D. Act. Therefore, the petitioner raised I.D. before the Labour Court in which he examined himself as WW-1 and got marked Exs.W-1 to W-39 and on behalf of the respondent-Management nobody was examined, but Exs.M-1 to M-5 were marked.

3. The Labour Court, holding that the termination of the petitioner was illegal, directed the respondent to reinstate the petitioner into service without back wages. Assailing the said award, the present Writ Petition has been filed by the Department.

4. Learned Government Pleader submits that the Management had denied the very appointment of the 2nd respondent stating that he never worked at any point of time and he came with a false allegation that he worked from 12.10.1986 to 13.01.1990 and from 14.05.1990 to 28.12.1996 and his services were terminated, and therefore, the Labour Court ought not to have relied on the sole testimony of the 2nd respondent-workman.

5. On the other hand, the learned counsel for the respondents submits that for NMR post no orders will be issued, but the payments will be made through vouchers. He further submits that one Mr. Abdul Wahab, Works Inspector, the regular employee, who worked with the 2nd respondent also deposed before the Labour Court to the effect that the petitioner worked along with him. Under those circumstances, the Labour Court, taking into consideration Ex.W.20 - the service certificate issued to the

2nd respondent-workman, held that he was engaged by the Management, and that his services were illegally terminated. Since the finding recorded by the Labour Court is based on the evidence recorded by it, it will not be appropriate to interfere with the award of the Labour Court by sitting under Art.226 of the Constitution of India. However, when a regular employee of the Department himself has categorically deposed before the Labour Court that the respondent-employee worked along with him during the aforesaid period and the service certificate was issued in his presence, under those circumstances, this court is loath to interfere with the findings recorded by the Labour Court.

6. Accordingly the Writ Petition is dismissed. No costs.

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G. BIKSHAPATHY, J

Date: 08.04.2005

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P.S. NARAYANA, J

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To

1 The Labour Court-III,
Chandravihar, A.P. Hyderabad.
2 2 CCs to the GP for Roads & Buildings, High Court buildings, Hyderabad (OUT)

3 2 CD copies.